



WEB COPY



Crl.O.P.No.30156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.12.2024**

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30156 of 2024

N.Sathiyaseelan

... Petitioner

Vs.

The State rep. by,
The Inspector of Police,
T.R.Pattinam Police Station,
Karaikal, Puducherry.
(Crime No. 74 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with **Crime No.74 of 2024**, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Sarath Kumar

For Respondent : Mr.K.S.Mohandass
Public Prosecution (Puducherry)

ORDER

Petition seeking bail in respect of **Crime No.74 of 2024** registered for the offence punishable under Section 4 of **POCSO Act**, is on board for consideration.



Crl.O.P.No.30156 of 2024

2. The incarceration of the petitioner being from 09.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He would submit that the petitioner and the victim girl are relatives, and they were known to each other from the child-hood. He would submit that the petitioner and the victim girl without understanding the consequences, entered into a consensual relationship, due to which, she become pregnant. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution, as putforth by the learned Public Prosecutor (Puducherry) appearing for the respondent police, opposing for grant of bail, would submit that, the petitioner had committed penetrative sexual assault on the minor victim girl, who is aged 17-years, due to which, she became pregnant, which was later aborted. He would submit that the statement of the victim girl under Section 183 of BNS has been recorded.

4. Having heard the learned counsel for the petitioner, the learned Public Prosecutor (Puducherry) for the respondent Police and perused the materials available on record, including the statement recorded from the victim girl, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**,



Crl.O.P.No.30156 of 2024

each for a like sum to the satisfaction of the learned **Sessions Judge, Karaikal, Puducherry**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 06.30 p.m., for a period of two weeks and thereafter, on every Saturday at 06.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

05.12.2024

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Crl.O.P.No.30156 of 2024

A.D.JAGADISH CHANDIRA.,J.

dsn

To

1. The Sessions Judge, Karaikal, Puducherry.
2. The Inspector of Police,
T.R.Pattinam Police Station,
Karaikal, Puducherry.
3. The Superintendent,
Central Prison, Puducherry.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.30156 of 2024

05.12.2024